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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,089	09/17/2003	Hiroyuki Sekiguchi	03886/0200058-US0	3720
7278	7590	05/05/2005	EXAMINER	
DARBY & DARBY P.C. P. O. BOX 5257 NEW YORK, NY 10150-5257			MANCHO, RONNIE M	
			ART UNIT	PAPER NUMBER

3663

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/664,089

Applicant(s)

SEKIGUCHI, HIROYUKI

Examiner

Ronnie Mancho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/29/03; 9/17/03</u> | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Lemelson et al (5983161).

Regarding claim 1, Lemelson et al (abstract) disclose a vehicle surroundings monitoring apparatus, comprising:

frontal information detecting means (54, 56; fig. 3) for detecting at least solid object information in front of an own vehicle;

preceding vehicle recognizing means (54, 56; fig. 3) for recognizing a preceding vehicle based on said solid object information;

traveling path estimating means (54, 56; fig. 3) for estimating a traveling path of said own vehicle;

first evacuation possibility judging means 54 for judging a first possibility of relative evacuation of said preceding vehicle when viewed from said own vehicle according to the position of said preceding vehicle and the position of said own vehicle;

second evacuation possibility judging means 56 (col. 20, lines 55-67) for judging a second possibility of relative evacuation of said preceding vehicle when viewed from said own vehicle according to information of solid objects other than said preceding vehicle (columns 19, 20, 27, 29); and

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preceding vehicle evacuation possibility judging means 38 (col. 24, lines 33-44) for judging a possibility of relative evacuation of said preceding vehicle when viewed from said own vehicle (columns 19, 20, 27, 29) based on said first possibility obtained from said first evacuation possibility judging means and said second possibility obtained from said second evacuation possibility judging means.

Regarding claim 2, Lemelson et al (columns 19, 20, 27, 29) disclose the vehicle surroundings monitoring apparatus described in claim 1, wherein said frontal information detecting means detect road information in front of said own vehicle in addition to said solid object information and have traveling conditions detecting means for detecting a traveling condition of said own vehicle.

Regarding claim 3, Lemelson et al (columns 19, 20, 27, 29) disclose the vehicle surroundings monitoring apparatus described in claim 1, wherein said traveling path estimating means estimate a first own traveling path based on said road information and estimate a second own traveling path based on said traveling condition and estimate a new own traveling path based on said first own traveling path and said second traveling path.

Regarding claim 4, Lemelson et al (columns 19, 20, 27, 29) disclose the vehicle surroundings monitoring apparatus described in claim 1, wherein said first evacuation possibility judging means judge the possibility of the relative evacuation of said preceding vehicle when viewed from said own vehicle according to a longitudinal distance of said preceding vehicle from said own vehicle and a lateral separation of said preceding vehicle from said new own traveling path.

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Regarding claim 5, Lemelson et al (columns 19, 20, 27, 29) disclose the vehicle surroundings monitoring apparatus described in claim 1, wherein said preceding vehicle evacuation possibility judging means judge that when said preceding vehicle exists further than a preestablished distance, there is no possibility of relative evacuation of said preceding vehicle when viewed from said own vehicle.

Regarding claim 6, Lemelson et al (columns 19, 20, 27, 29) disclose the vehicle surroundings monitoring apparatus described in claim 1, wherein said first evacuation possibility judging means provide a plurality of distance divisions in front of said own vehicle, establish left and right evacuation possibility judging regions around said new own traveling path at said respective distance divisions, and when said preceding vehicle exists in said evacuation possibility judging regions represent said first possibility as a first specified numerical evacuation possibility corresponding to said respective evacuation judging regions and said preceding vehicle evacuation possibility judging means judge that there is a possibility of relative evacuation of said preceding vehicle when viewed from said own vehicle, in case where the sum of said first specified numerical evacuation possibility exceeds a threshold value.

Regarding claim 7, Lemelson et al (columns 19, 20, 27, 29) disclose the vehicle surroundings monitoring apparatus described in claim 6, wherein said distance divisions are composed of a far distance division, an intermediate distance division and a near distance division.

Regarding claim 8, Lemelson et al (columns 19, 20, 27, 29) disclose the vehicle surroundings monitoring apparatus described in claim 1, wherein when said preceding vehicle exists in a pre-established region in the vicinity of said new own traveling path, said first

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evacuation possibility judging means the sum of said first specified numerical evacuation possibility is cleared and when said preceding vehicle does not exist in said region in the vicinity of said new own traveling path and said respective evacuation possibility judging regions, reduce the sum of said first specified numerical evacuation possibility to make a judgment that there is a small possibility of relative evacuation of said preceding vehicle when viewed from said own vehicle.

Regarding claim 9, Lemelson et al (columns 19, 20, 27, 29) disclose the vehicle surroundings monitoring apparatus described in claim 1, wherein when a solid object moving forward and different from said preceding vehicle exists in a region in the vicinity of said new own traveling path, said second evacuation possibility judging means represent said second possibility as a second specified numerical evacuation possibility and add said second specified numerical evacuation possibility to the sum of said first specified numerical evacuation possibility so as to further enhance the possibility of relative evacuation of said preceding vehicle when viewed from said own vehicle.

Regarding claim 10, Lemelson et al (columns 19, 20, 27, 29) disclose the traveling control system for controlling a traveling of an own vehicle at least based on said information extracted from said vehicle surroundings monitoring apparatus described in claims 1 of the possibility of evacuation of a preceding vehicle.

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Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following: US006032097A , US006370475B1, US 20030191568A1 all disclose a vehicle monitoring system.

Communication

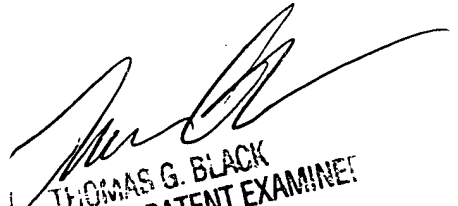
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronnie Mancho whose telephone number is 571-272-6984. The examiner can normally be reached on Mon-Thurs: 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ronnie Mancho
Examiner
Art Unit 3663

4/28/05


THOMAS G. BLACK
SUPERVISORY PATENT EXAMINER
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